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14 **UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 SUSAN NICHOLSON HOFHEINZ, an  
17 Individual,

18 Plaintiff,

19 v.

20 CAFÉ PRESS, INC., a California  
21 Corporation, individually and doing  
22 business as "WWW.CAFEPRESS.COM";  
23 METAVERSE CORPORATION, a New  
24 Jersey Corporation; ZAZZLE, INC., a  
25 California Corporation, individually and  
26 doing business as  
27 "WWW.ZAZZLE.COM";  
28 SPREADSHIRT, INC., a Pennsylvania  
Corporation, individually and doing  
business as  
"WWW.SPREADSHIRT.COM" and  
"WWW.ROBOTMONKEYPIRATE.SPR  
EADSHIRT.COM"; AMES BROS, INC.,

Case No: **CV12-09306** MMM(MANX)

**PLAINTIFF'S COMPLAINT FOR:**

1. COPYRIGHT INFRINGEMENT;
2. VICARIOUS AND/OR CONTRIBUTORY COPYRIGHT INFRINGEMENT;
3. VIOLATIONS OF LANHAM ACT (15 U.S.C. 1125)
4. STATE TRADE DRESS INFRINGEMENT
5. STATE TRADEMARK INFRINGEMENT
6. STATE UNFAIR COMPETITION

Jury Trial Demanded

1 a Washington Corporation, individually  
 2 and doing business as  
 3 "WWW.AMESBROS.COM";  
 4 AMAZON.COM, INC., a Washington  
 5 Limited Liability Company; and DOES 1-  
 6 10,  
 7  
 8 Defendants.

9 Plaintiff SUSAN NICHOLSON HOFHEINZ (hereinafter "Hofheinz" or  
 10 "Plaintiff"), by and through her undersigned attorneys, hereby prays to this honorable  
 11 Court for relief based on the following:

### 12 INTRODUCTION

13 Plaintiff Hofheinz is, amongst other things, the exclusive owner of the rights in  
 14 and to a group of creepy horror films from the 1950s. These films include *Invasion of*  
 15 *the Saucer-Men* ("Saucer-Men"), *I Was a Teenage Frankenstein* ("Teenage  
 16 *Frankenstein*"), *I Was a Teenage Werewolf* ("Teenage Werewolf"), *It Conquered the*  
 17 *World* ("It Conquered"), *The Amazing Colossal Man* ("Colossal Man"), and *Terror*  
 18 *From the Year 5000* ("Terror") (collectively "Films").

19 Defendants, and each of them, have created, marketed, imported, distributed,  
 20 and sold a number of products that violate Plaintiff's rights in and to the Films. This  
 21 case seeks redress for these violations.

### 22 JURISDICTION AND VENUE

23 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101  
 24 *et seq.* and the Lanham Act, Title 15 U.S.C. § 1051, *et seq.*

25 2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and  
 26 1338 (a) and (b), and ancillary jurisdiction, to the extent necessary, over the  
 27 remaining claims.

3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and 1400(a) in that this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred.

## PARTIES

4. Plaintiff Hofheinz is an individual residing in Southern California.

5. Plaintiff is informed and believes and thereon alleges that Defendant CAFÉ PRESS, INC. is a corporation organized and existing under the laws of the state of New Jersey individually and doing business as WWW.CAFEPRESS.COM (collectively “CAFÉ PRESS”), and is doing business in and with the state of California.

6. Plaintiff is informed and believes and thereon alleges that Defendant METAVERSE CORPORATION, (“METAVERSE”) is a corporation organized and existing under the laws of the state of New Jersey and is doing business in and with the State of California.

7. Plaintiff is informed and believes and thereon alleges that Defendant ZAZZLE, INC. is a corporation organized and existing under the laws of the state of California individually and doing business as WWW.ZAZZLE.COM (collectively “ZAZZLE”).

8. Plaintiff is informed and believes and thereon alleges that Defendant SPREADSHIRT, INC. is a corporation organized and existing under the laws of the state of Pennsylvania individually and doing business as “WWW.SPREADSHIRT.COM” and “WWW.ROBOTMONKEYPIRATE.SPREADSHIRT.COM” (collectively “SPREADSHIRT”), and is doing business in and with the state of California.

9. Plaintiff is informed and believes and thereon alleges that Defendant AMES BROS, INC. is a corporation organized and existing under the laws of the state of

1 California individually and doing business as WWW.AMESBROS.COM  
2 (collectively "AMES BROS").

3 10. Plaintiff is informed and believes and thereon alleges that Defendant  
4 AMAZON.COM, INC. ("AMAZON") is a Washington Limited Liability Company  
5 doing business in and with the State of California.

6 11. Plaintiff is informed and believes and thereon alleges that Defendant  
7 DOES 1-10, inclusive, are manufacturers, and/or vendors (and/or agents or  
8 employees to a manufacturer or vendor) of product to Defendants, which DOE  
9 Defendants have manufactured and/or supplied and are manufacturing and/or  
10 supplying materials and other product exploiting the Films without Plaintiff's  
11 knowledge or consent or have contributed to said infringement. The true names,  
12 whether corporate, individual or otherwise of Defendants DOES 1-10, inclusive, are  
13 presently unknown to Plaintiff, which therefore sues said Defendants by such  
14 fictitious names and will seek leave to amend this complaint to show their true  
15 names and capacities when same have been ascertained.

16 12. Defendants DOES 6 through 10, inclusive, are other parties not yet  
17 identified who have infringed Plaintiff's rights, have contributed to the infringement  
18 of Plaintiff's rights, or have engaged in one or more of the wrongful practices  
19 alleged herein. The true names, whether corporate, individual or otherwise, of  
20 Defendants 1 through 10, inclusive, are presently unknown to Plaintiff, which  
21 therefore sues said Defendants by such fictitious names, and will seek leave to  
22 amend this Complaint to show their true names and capacities when same have been  
23 ascertained.

24 13. Plaintiff is informed and believes and thereon alleges that at all times  
25 relevant hereto each of the Defendants was the agent, affiliate, officer, director,  
26 manager, principal, alter-ego, and/or employee of the remaining Defendants and was  
27 at all times acting within the scope of such agency, affiliation, alter-ego relationship

1 and/or employment; and actively participated in or subsequently ratified and  
2 adopted, or both, each and all of the acts or conduct alleged, with full knowledge of  
3 all the facts and circumstances, including, but not limited to, full knowledge of each  
4 and every violation of Plaintiff's rights and the damages to Plaintiff proximately  
5 caused thereby.

6 **CLAIMS RELATED TO SAUCER-MEN**

7 14. Plaintiff is the exclusive owner and copyright holder for *Saucer-Men* and  
8 certain if not all of the related marketing materials. Plaintiff owns in exclusivity  
9 copyright registrations for the content at issue.

10 15. *Saucer-Men* and its marketing materials were published prior to the acts  
11 alleged herein.

12 16. Plaintiff is informed and believes that Defendants, and each of them, had  
13 access to and received *Saucer-Men* and related marketing materials prior to the acts  
14 alleged herein.

15 17. Plaintiff is informed and believes that Defendants, and each of them, were  
16 manufacturing or having manufactured, marketing, distributing, and selling  
17 merchandise that exploits the content and characters from *Saucer-Men* ("Accused  
18 Product").

19 18. Specifically, without limitation, Plaintiff is informed and believes and  
20 thereon alleges that METAVERSE and/or AMES BROS sourced, manufactured,  
21 imported, and/or had had created the Accused Product and sold, transferred, and  
22 distributed it to CAFÉ PRESS, AMAZON and/or DOE Defendants, and those parties  
23 marketed and sold it to the public.

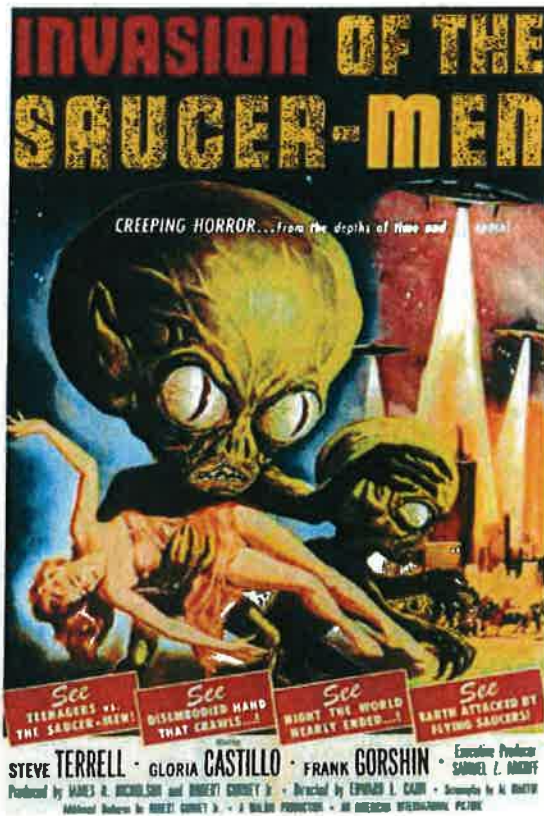
24 19. Specifically, without limitation, Plaintiff is informed and believes and  
25 thereon alleges that Defendant CAFÉ PRESS was manufacturing or having  
26 manufactured, marketing, distributing, and selling Accused Product including, but  
27 not limited to pajamas, clothing items, and note cards.



20. Specifically, without limitation, Plaintiff is informed and believes and thereon alleges that Defendant SPREADSHIRT was manufacturing or having manufactured, marketing, distributing, and selling Accused Product including, but not limited to clothing items.

21. The above-alleged conduct was not authorized by Plaintiff, and is in violation of Plaintiff's rights as the exclusive owner of *Saucer-Men*.

22. Certain exemplars of the Accused Product originating from and/or offered for sale by the Defendants, and each of them, are set forth below. In the images below, the viewer will find material from *Saucer-Men* and an exemplar of the Accused Product that infringes Plaintiff's rights in *Saucer-Men*:



23. A comparison of the above images makes clear that the Accused Product is substantially similar to the characters and content from *Saucer-Men*. This violates Plaintiff's copyrights in *Saucer-Men*.

1           24. In addition, the Accused Product violates Plaintiff's trademark and trade  
2 dress rights in its use of the name of *Saucer-Men* and certain material from *Saucer-*  
3 *Men* and/or its marketing on the Accused Product's packaging.

4           25. Defendants, and each of them, never obtained from Plaintiff permission to  
5 exploit in any way the Films, their characters, or their marketing materials.

6           26. Plaintiff is informed and believes and thereon alleges that the owners of the  
7 Defendants, and each of them, were personally involved in the acts of infringement  
8 alleged herein, and/or is an alter ego or proxy for the companies alleged to have  
9 committed the injurious misconduct.

10                   **CLAIMS RELATED TO *TEENAGE FRANKENSTEIN***

11           27. Plaintiff is the exclusive owner and copyright holder for *Teenage*  
12 *Frankenstein* and certain if not all of the related marketing materials. Plaintiff owns  
13 in exclusivity copyright registrations for the content at issue.

14           28. *Teenage Frankenstein* and its marketing materials were published prior to  
15 the acts alleged herein.

16           29. Plaintiff is informed and believes that Defendants, and each of them, had  
17 access to and received *Teenage Frankenstein* and related marketing materials prior  
18 to the acts alleged herein.

19           30. Plaintiff is informed and believes that Defendants, and each of them, were  
20 manufacturing or having manufactured, marketing, distributing, and selling  
21 merchandise that exploits the content and characters from *Teenage Frankenstein*  
22 ("Accused Product").

23           31. Specifically, without limitation, Plaintiff is informed and believes and  
24 thereon alleges that METAVERSE and/or AMES BROS sourced, manufactured,  
25 imported, and/or had had created the Accused Product and sold, transferred, and  
26 distributed it to CAFÉ PRESS, AMAZON and/or DOE Defendants, and those parties  
27 marketed and sold it to the public.

1           32. Specifically, without limitation, Plaintiff is informed and believes and  
2 thereon alleges that Defendant CAFÉ PRESS was manufacturing or having  
3 manufactured, marketing, distributing, and selling Accused Product including, but  
4 not limited to clothing items and posters.

5           33. Specifically, without limitation, Plaintiff is informed and believes and  
6 thereon alleges that Defendant SPREADSHIRT was manufacturing or having  
7 manufactured, marketing, distributing, and selling Accused Product including, but  
8 not limited to clothing items.

9           34. The above-alleged conduct was not authorized by Plaintiff, and is in  
10 violation of Plaintiff's rights as the exclusive owner of *Teenage Frankenstein*.

11           35. Certain exemplars of the Accused Product originating from and/or offered  
12 for sale by the Defendants, and each of them, are set forth below. In the images  
13 below the viewer will find material from *Teenage Frankenstein* and an exemplar of  
14 the Accused Product that infringes Plaintiff's rights in *Teenage Frankenstein*:





1           36. A comparison of the above images makes clear that the Accused Product is  
2 substantially similar to the characters and content from the *Teenage Frankenstein*.  
3 This violates Plaintiff's copyrights in *Teenage Frankenstein*.

4           37. In addition, the Accused Product violates Plaintiff's trademark and trade  
5 dress rights in its use of the name of *Teenage Frankenstein* and certain material from  
6 *Teenage Frankenstein* and/or its marketing on the Accused Product's packaging.

7           38. Defendants, and each of them, never obtained from Plaintiff permission to  
8 exploit in any way the Films, their characters, or their marketing materials.  
9 Plaintiff is informed and believes and thereon alleges that the owners of the  
10 Defendants, and each of them, were personally involved in the acts of infringement  
11 alleged herein, and/or is an alter ego or proxy for the companies alleged to have  
12 committed the injurious misconduct.

13                           **CLAIMS RELATED TO *TEENAGE WEREWOLF***

14           39. Plaintiff is the exclusive owner and copyright holder for *Teenage Werewolf*  
15 and certain if not all of the related marketing materials. Plaintiff owns in exclusivity  
16 copyright registrations for the content at issue.

17           40. *Teenage Werewolf* and its marketing materials were published prior to the  
18 acts alleged herein.

19           41. Plaintiff is informed and believes that Defendants, and each of them, took  
20 access to and received *Teenage Werewolf* and related marketing materials prior to  
21 the acts alleged herein.

22           42. Plaintiff is informed and believes that Defendants, and each of them, were  
23 manufacturing or having manufactured, marketing, distributing, and selling  
24 merchandise that exploits the content and characters from *Teenage Werewolf*  
25 ("Accused Product").

26           43. Specifically, without limitation, Plaintiff is informed and believes and  
27 thereon alleges that METAVERSE and/or AMES BROS sourced, manufactured,  
28

1 imported, and/or had had created the Accused Product and sold, transferred, and  
2 distributed it to CAFÉ PRESS, AMAZON and/or DOE Defendants, and those parties  
3 marketed and sold it to the public.

4 44. Specifically, without limitation, Plaintiff is informed and believes and  
5 thereon alleges that Defendant CAFÉ PRESS was manufacturing or having  
6 manufactured, marketing, distributing, and selling Accused Product including, but  
7 not limited to clothing items.

8 45. Specifically, without limitation, Plaintiff is informed and believes and  
9 thereon alleges that Defendant SPREADSHIRT was manufacturing or having  
10 manufactured, marketing, distributing, and selling Accused Product including, but  
11 not limited to clothing items.

12 46. The above-alleged conduct was not authorized by Plaintiff, and is in  
13 violation of Plaintiff's rights as the exclusive owner of *Teenage Werewolf*.

14 47. Certain exemplars of the Accused Product originating from and/or offered  
15 for sale by the Defendants, and each of them, are set forth below. In the images  
16 below the viewer will find material from *Teenage Werewolf* and an exemplar of the  
17 Accused Product that infringes Plaintiff's rights in *Teenage Werewolf*:

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48. A comparison of the above images makes clear that the Accused Product is substantially similar to the characters and content from the *Teenage Werewolf*. This violates Plaintiff's copyrights in *Teenage Werewolf*.

49. In addition, the Accused Product violates Plaintiff's trademark and trade dress rights in its use of the name of *Teenage Werewolf* and certain material from *Teenage Werewolf* and/or its marketing on the Accused Product's packaging.

50. Defendants, nor any of them, ever obtained from Plaintiff permission to exploit in any way the Films, their characters, or their marketing materials. Plaintiff is informed and believes and thereon alleges that the owners of the Defendants, and each of them, were personally involved in the acts of infringement alleged herein, and/or is an alter ego or proxy for the companies alleged to have committed the injurious misconduct.

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**CLAIMS RELATED TO *IT CONQUERED***

51. Plaintiff is the exclusive owner and copyright holder for *It Conquered* and certain if not all of the related marketing materials. Plaintiff owns in exclusivity copyright registrations for the content at issue.

52. *It Conquered* and its marketing materials were published prior to the acts alleged herein.

53. Plaintiff is informed and believes that Defendants, and each of them, took access to and received *It Conquered* and related marketing materials prior to the acts alleged herein.

54. Plaintiff is informed and believes that Defendants, and each of them, were manufacturing or having manufactured, marketing, distributing, and selling merchandise that exploits the content and characters from *It Conquered* ("Accused Product").

55. Specifically, without limitation, Plaintiff is informed and believes and thereon alleges that METAVERSE and/or AMES BROS sourced, manufactured, imported, and/or had had created the Accused Product and sold, transferred, and distributed it to CAFÉ PRESS, AMAZON and/or DOE Defendants, and those parties marketed and sold it to the public.

56. Specifically, without limitation, Plaintiff is informed and believes and thereon alleges that Defendant CAFÉ PRESS was manufacturing or having manufactured, marketing, distributing, and selling Accused Product including, but not limited to clothing items, posters, postcards, aprons, tote bags, teddy bears, coasters, keepsake boxes, baby bibs, journals, mouse pads and greeting cards.

57. Specifically, without limitation, Plaintiff is informed and believes and thereon alleges that Defendants ZAZZLE and SPREADSHIRT were manufacturing or having manufactured, marketing, distributing, and selling Accused Product including, but not limited to clothing items.



58. The above-alleged conduct was not authorized by Plaintiff, and is in violation of Plaintiff's rights as the exclusive owner of *It Conquered*.

59. Certain exemplars of the Accused Product originating from and/or offered for sale by the Defendants, and each of them, are set forth below. In the images below the viewer will find material from *It Conquered* and an exemplar of the Accused Product that infringes Plaintiff's rights in *It Conquered*:



60. A comparison of the above images makes clear that the Accused Product is substantially similar to the characters and content from the *It Conquered*. This violates Plaintiff's copyrights in *It Conquered*.

61. In addition, the Accused Product violates Plaintiff's trademark and trade dress rights in its use of the name of *It Conquered* and certain material from *It Conquered* and/or its marketing on the Accused Product's packaging.

62. Defendants, and each of them, never obtained from Plaintiff permission to exploit in any way the Films, their characters, or their marketing materials.

1 Plaintiff is informed and believes and thereon alleges that the owners of the  
2 Defendants, and each of them, were personally involved in the acts of infringement  
3 alleged herein, and/or is an alter ego or proxy for the companies alleged to have  
4 committed the injurious misconduct.

5 **CLAIMS RELATED TO COLOSSAL MAN**

6 63. Plaintiff is the exclusive owner and copyright holder for *Colossal Man* and  
7 certain if not all of the related marketing materials. Plaintiff owns in exclusivity  
8 copyright registrations for the content at issue.

9 64. *Colossal Man* and its marketing materials were published prior to the acts  
10 alleged herein.

11 65. Plaintiff is informed and believes that Defendants, and each of them, took  
12 access to and received *Colossal Man* and related marketing materials prior to the acts  
13 alleged herein.

14 66. Plaintiff is informed and believes that Defendants, and each of them, were  
15 manufacturing or having manufactured, marketing, distributing, and selling  
16 merchandise that exploits the content and characters from *Colossal Man* ("Accused  
17 Product").

18 67. Specifically, without limitation, Plaintiff is informed and believes and  
19 thereon alleges that METAVERSE and/or AMES BROS sourced, manufactured,  
20 imported, and/or had had created the Accused Product and sold, transferred, and  
21 distributed it to CAFÉ PRESS, AMAZON and/or DOE Defendants, and those parties  
22 marketed and sold it to the public.

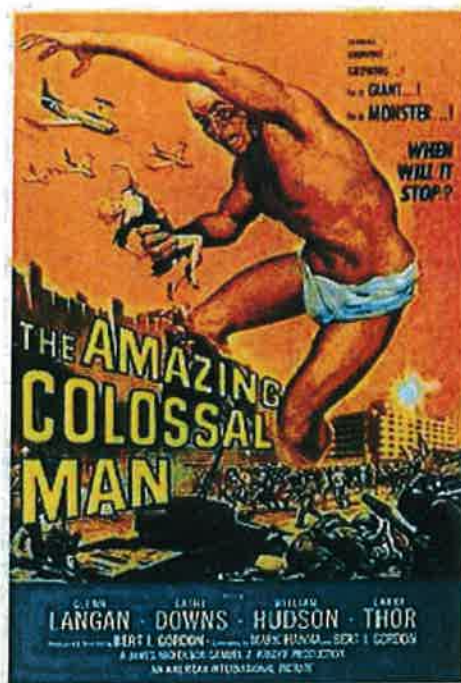
23 68. Specifically, without limitation, Plaintiff is informed and believes and  
24 thereon alleges that Defendant CAFÉ PRESS was manufacturing or having  
25 manufactured, marketing, distributing, and selling Accused Product including, but  
26 not limited to clothing items, posters, underwear, water bottles, tile coasters, bumper  
27

1 stickers, greeting cards, clocks, ornaments, steins, buttons, magnets, beach totes,  
2 journals, decals, aprons, keepsake boxes, framed tiles, and baby bibs.

3 69. Specifically, without limitation, Plaintiff is informed and believes and  
4 thereon alleges that Defendant ZAZZLE was manufacturing or having  
5 manufactured, marketing, distributing, and selling Accused Product including, but  
6 not limited to clothing items, mugs, and posters.

7 70. The above-alleged conduct was not authorized by Plaintiff, and is in  
8 violation of Plaintiff's rights as the exclusive owner of *Colossal Man*.

9 71. Certain exemplars of the Accused Product originating from and/or offered  
10 for sale by the Defendants, and each of them, are set forth below. In the images  
11 below the viewer will find material from *Colossal Man* and an exemplar of the  
12 Accused Product that infringes Plaintiff's rights in *Colossal Man*:



26 \$15.95 - Amazing Colossal Man Mug



28 \$29.95 - Amazing Colossal Man T Shirts

25 72. A comparison of the above images makes clear that the Accused Product is  
26 substantially similar to the characters and content from the *Colossal Man*. This  
27 violates Plaintiff's copyrights in *Colossal Man*.

1           73. In addition, the Accused Product violates Plaintiff's trademark and trade  
2 dress rights in its use of the name of *Colossal Man* and certain material from  
3 *Colossal Man* and/or its marketing on the Accused Product's packaging.

4           74. Defendants, and each of them, never obtained from Plaintiff permission to  
5 exploit in any way the Films, their characters, or their marketing materials.  
6 Plaintiff is informed and believes and thereon alleges that the owners of the  
7 Defendants, and each of them, were personally involved in the acts of infringement  
8 alleged herein, and/or is an alter ego or proxy for the companies alleged to have  
9 committed the injurious misconduct.

10                                   **CLAIMS RELATED TO TERROR**

11           75. Plaintiff is the exclusive owner and copyright holder for *Terror* and certain  
12 if not all of the related marketing materials. Plaintiff owns in exclusivity copyright  
13 registrations for the content at issue.

14           76. *Terror* and its marketing materials were published prior to the acts alleged  
15 herein.

16           77. Plaintiff is informed and believes that Defendants, and each of them, took  
17 access to and received *Terror* and related marketing materials prior to the acts  
18 alleged herein.

19           78. Plaintiff is informed and believes that Defendants, and each of them, were  
20 manufacturing or having manufactured, marketing, distributing, and selling  
21 merchandise that exploits the content and characters from *Terror* ("Accused  
22 Product").

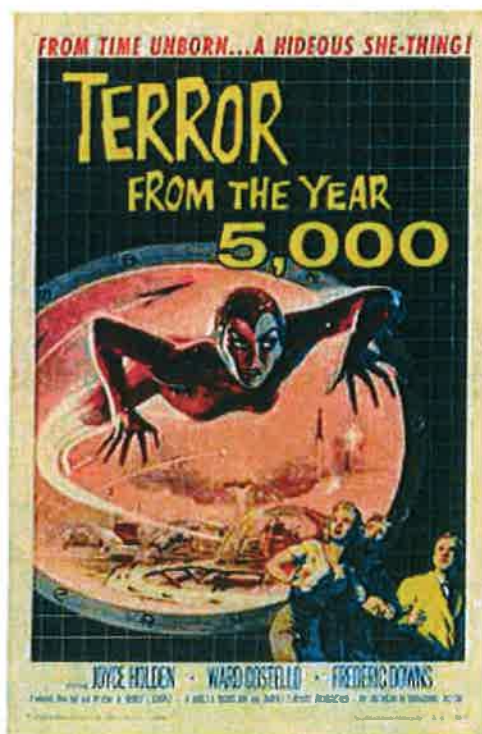
23           79. Specifically, without limitation, Plaintiff is informed and believes and  
24 thereon alleges that METAVERSE and/or AMES BROS sourced, manufactured,  
25 imported, and/or had had created the Accused Product and sold, transferred, and  
26 distributed it to CAFÉ PRESS, AMAZON and/or DOE Defendants, and those parties  
27 marketed and sold it to the public.



80. Specifically, without limitation, Plaintiff is informed and believes and thereon alleges that Defendant CAFÉ PRESS was manufacturing or having manufactured, marketing, distributing, and selling Accused Product including, but not limited to clothing items, dog clothing items, posters, magnets, and decals.

81. The above-alleged conduct was not authorized by Plaintiff, and is in violation of Plaintiff's rights as the exclusive owner of *Terror*.

82. Certain exemplars of the Accused Product originating from and/or offered for sale by the Defendants, and each of them, are set forth below. In the images below the viewer will find material from *Terror* and an exemplar of the Accused Product that infringes Plaintiff's rights in *Terror*:



83. A comparison of the above images makes clear that the Accused Product is substantially similar to the characters and content from the *Terror*. This violates Plaintiff's copyrights in *Terror*.

84. In addition, the Accused Product violates Plaintiff's trademark and trade dress rights in its use of the name of *Terror* and certain material from *Terror*

1 and/or its marketing on the Accused Product's packaging.

2 85. Defendants, nor any of them, ever obtained from Plaintiff permission to  
3 exploit in any way the Films, their characters, or their marketing materials.

4 Plaintiff is informed and believes and thereon alleges that the owners of the  
5 Defendants, and each of them, were personally involved in the acts of infringement  
6 alleged herein, and/or is an alter ego or proxy for the companies alleged to have  
7 committed the injurious misconduct.

8 **FIRST CLAIM FOR RELIEF**

9 (For Copyright Infringement – Against All Defendants, and Each)

10 86. Plaintiff repeats, re-alleges and incorporates herein by reference as though  
11 fully set forth the allegations contained in the preceding paragraphs of this  
12 Complaint.

13 87. Plaintiff is informed and believes and thereon alleges that Defendants, and  
14 each of them, had access to the Films, which were first released in theaters in the  
15 1950s.

16 88. Plaintiff is informed and believes and thereon alleges that Defendants, and  
17 each of them, misappropriated content from the Films to create, or have created,  
18 products that are substantially similar to certain of the material encompassed in the  
19 Films.

20 89. Plaintiff is informed and believes and thereon alleges that Defendants, and  
21 each of them, infringed Plaintiff's copyright by creating, making and/or developing  
22 directly infringing and/or derivative works from the Films and by producing,  
23 distributing and/or selling product that infringes the Films through a nationwide  
24 network of retail stores and on-line outlets.

25 90. Plaintiff is further informed and believes, and thereon alleges, that  
26 Defendants, and each of them, created unlawful derivative works that were based on  
27 the Films, and sold said works in commerce.

1           91. The above-stated acts by Defendants, and each of them, violated Plaintiff's  
2 exclusive right to create derivative works from Films and her exclusive right to  
3 distribute and sell product related to the Films' material.

4           92. Due to Defendants', and each of their, acts of infringement, Plaintiff has  
5 suffered general and special damages in an amount to be established at trial.

6           93. Due to Defendants', and each of their, acts of copyright infringement as  
7 alleged herein, Defendants, and each of them, have obtained direct and indirect  
8 profits they would not otherwise have realized but for their infringement of  
9 Plaintiff's rights in the Films. As such, Plaintiff is entitled to disgorgement of  
10 Defendants', and each of their, profits directly and indirectly attributable to  
11 Defendants', and each of their, infringement of the Films in an amount to be  
12 established at trial.

13           94. Plaintiff is informed and believes and thereon alleges that the infringement  
14 of the content from the Films by Defendants, and each of them, was willful, with  
15 knowledge, reckless, and/or in blatant disregard for Plaintiff's rights as a copyright  
16 holder for the Films, and as such, Defendants, and each of them, are liable for  
17 willful, exemplary and enhanced statutory damages of up to and including one  
18 hundred and fifty thousand dollars and/or a preclusion from deducting certain costs  
19 relevant to disgorgeable profits.

## 20           **SECOND CLAIM FOR RELIEF**

21           (For Vicarious and/or Contributory Copyright Infringement – Against All  
22 Defendants, and Each)

23           95. Plaintiff repeats, realleges and incorporates herein by reference as though  
24 fully set forth the allegations contained in the preceding paragraphs of this  
25 Complaint.

26           96. Plaintiff is informed and believes and thereon alleges that Defendants, and  
27 each of them, knowingly induced, participated in, aided and abetted in and profited

1 from the illegal reproduction and/or subsequent sales of the Accused Product as  
2 alleged hereinabove.

3 97. Plaintiff is informed and believes and thereon alleges that Defendants, and  
4 each of them, are vicariously liable for the infringement alleged herein because they  
5 had the right and ability to supervise the infringing conduct and because they had a  
6 direct financial interest in the infringing conduct.

7 98. By reason of the Defendants', and each of their, acts of contributory and  
8 vicarious infringement as alleged above, Plaintiff has suffered and will continue to  
9 suffer substantial damages to its business in an amount to be established at trial, as  
10 well as additional general and special damages in an amount to be established at  
11 trial.

12 99. Due to Defendants', and each of their, acts of copyright infringement as  
13 alleged herein, Defendants, and each of them, have obtained direct and indirect  
14 profits they would not otherwise have realized but for their infringement of  
15 Plaintiff's rights in the Films. As such, Plaintiff is entitled to disgorgement of  
16 Defendants', and each of their, profits directly and indirectly attributable to  
17 Defendants' infringement of the Films, in an amount to be established at trial.

18 100. Plaintiff is informed and believes and thereon alleges that the  
19 infringement of the content from the Films by Defendants, and each of them, was  
20 willful, with knowledge, reckless, and/or in blatant disregard for Plaintiff's rights as  
21 a copyright holder for the Films, and as such, Defendants, and each of them, are  
22 liable for willful, exemplary and enhanced statutory damages of up to and including  
23 one hundred and fifty thousand dollars (\$150,000.00) and/or a preclusion from  
24 deducting certain costs relevant to disgorgeable profits.

25  
26 //

27 //



**THIRD CLAIM FOR RELIEF**

**(Violations of Lanham Act (15 USC § 1125) –**

**Against all Defendants, and Each)**

101. Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.

102. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, are passing off the Accused Product under the Films' titles, and in packaging similar to and evoking that used in the Films and their marketing materials, in interstate commerce.

103. Plaintiff is informed and believes and thereon alleges that the passing off by Defendants, and each of them, of Accused Product under the Films' titles causes consumer confusion as to the source of the Accused Product and falsely implies a sponsorship or association between the Films and the Accused Product and/or the Defendants, and each of them.

104. Plaintiff is informed and believes and thereon alleges that the passing off by Defendants, and each of them, of Accused Product under the Films' titles misrepresent the nature, characteristics, and qualities of the Accused Product, as the Accused Product is not authorized product, and the packaging of the Accused Product is confusingly similar to the content in the Films and its marketing materials.

105. The above misstatements and deceptions by Defendants, and each of them, were material, and resulted in harm and damages to Plaintiff in an amount to be established at trial.

106. Plaintiff has no adequate remedy at law and is entitled to injunctive relief pursuant to 15 U.S.C. § 1116(d).

107. Plaintiff is entitled to recover its actual damages and Defendants', and each of their, profits pursuant to 15 U.S.C. § 1117(a); treble damages pursuant to 15

1 U.S.C. § 1117(a) and (b); attorneys' fees and costs pursuant to 15 U.S.C. § 1117(a);  
2 seizure of all infringing goods pursuant to 15 U.S.C. § 1116(d); and impoundment  
3 and destruction of all infringing goods pursuant to 15 U.S.C. § 1118.

4 **FOURTH CLAIM FOR RELIEF**

5 **(Trade Dress Infringement in Violation of California Business and**  
6 **Professions Code Section 14245 – Against All Defendants, and Each)**

7 108. Plaintiff repeats, realleges and incorporates herein by reference as  
8 though fully set forth the allegations contained in the preceding paragraphs,  
9 inclusive, of this Complaint.

10 109. Defendants', and each of their, unauthorized use of material from the  
11 Films and their marketing materials in connection with the sale, offering for sale,  
12 distribution or advertising of its products is likely to cause confusion or mistake or to  
13 deceive as to the source or origin of its products in violation of California Business  
14 and Professions Code Section 14245.

15 110. On information and belief, Defendants', and each of their, infringement  
16 has been with knowledge of Plaintiff's rights.

17 111. Plaintiff has been, is now, and will be irreparably injured and damaged  
18 by Defendants', and each of their, aforementioned acts, and unless enjoined by the  
19 Court, Plaintiff will suffer further harm to its name, reputation and goodwill.

20 **FIFTH CAUSE OF ACTION**

21 **(Trademark Infringement under Cal. Bus. & Prof. Code § 17200 and California**  
22 **Common Law against all Defendants)**

23 112. Plaintiff repeats, re-alleges and incorporates herein by reference as  
24 though fully set forth the allegations contained in the preceding paragraphs of this  
25 Complaint.

26 113. Defendants', and each of their, use of the Films' titles, without Plaintiff's  
27 consent, constitutes trademark infringement and unfair competition in violation of

1 California common law, in that, among other things, such use is likely to cause  
2 confusion, deception and mistake among the consuming public and trade as to the  
3 source, approval or sponsorship of the products offered by Defendants.

4 114. The acts of Defendants, and each of them, complained of herein  
5 constitute trademark infringement and unfair competition in violation of the statutory  
6 law of the State of California, Cal. Bus. & Prof. Code §§ 17200, *et seq.*, in that,  
7 among other things, such use is likely to cause confusion, deception and mistake  
8 among the consuming public and trade as to the source, approval or sponsorship of  
9 the Accused Product offered by Defendants. Plaintiff is informed and believes that  
10 unless said conduct is enjoined by this Court, Defendants, and each of them, will  
11 continue and expand those activities to the continued and irreparable injury of  
12 Plaintiff. This injury includes a reduction in the distinctiveness of Plaintiff's  
13 trademark and trade dress, and injury to Plaintiff's reputation that cannot be  
14 remedied through damages, and Plaintiff has no adequate remedy at law. Plaintiff is  
15 entitled to preliminary and permanent injunctions restraining and enjoining  
16 Defendants, and each of them, and each of their agents, servants, employees, and all  
17 persons acting thereunder, in concert with, or on their behalf, from using in  
18 commerce material from the Films or their marketing materials.

19 115. As a direct and proximate result of Defendants', and each of their,  
20 willful and intentional actions, Plaintiff has suffered damages in an amount to be  
21 determined at trial and, unless Defendants, and each of them, are restrained, Plaintiff  
22 will continue to suffer irreparable damage.

### 23 **SIXTH CAUSE OF ACTION**

#### 24 **(California Unfair Competition under Cal. Bus. & Prof. Code § 17200 and** 25 **California Common Law against All Defendants)**

26 116. Plaintiff repeats, re-alleges and incorporates herein by reference as  
27 though fully set forth the allegations contained in the preceding paragraphs of this  
28

1 Complaint.

2 117. By the actions alleged above, Defendants, and each of them, have  
 3 engaged in false designation of origin and unfair competition in violation of the  
 4 statutory law of the State of California, Cal. Bus. & Prof. Code §§ 17200, *et seq.*, by  
 5 entering products into the stream of commerce, which deceived and confused  
 6 members of the public as to the origin of their goods. Plaintiff is informed and  
 7 believes that unless said conduct is enjoined by this Court, Defendants, and each of  
 8 them, will continue and expand those activities to the continued and irreparable  
 9 injury of Plaintiff. This injury includes a reduction in the distinctiveness of the Films  
 10 and injury to Plaintiff's reputation that cannot be remedied through damages, and  
 11 Plaintiff has no adequate remedy at law. Plaintiff is entitled to preliminary and  
 12 permanent injunctions restraining and enjoining Defendants, and each of them, and  
 13 each of their agents, servants, employees, and all persons acting thereunder, in  
 14 concert with, or on their behalf, from using in commerce content from the Films.

15 118. As a direct and proximate result of Defendants', and each of their,  
 16 willful and intentional actions, Plaintiff has suffered damages in an amount to be  
 17 determined at trial and, unless Defendants, and each of them, are restrained, Plaintiff  
 18 will continue to suffer irreparable damage.

19  
 20 **PRAYER FOR RELIEF**

21 Wherefore, Plaintiff prays for relief and judgment as follows:

22 **Against All Defendants**

23 1. **With Respect to Each Claim for Relief**

- 24 a. That Plaintiff be awarded all profits of Defendants, and each of them,  
 25 plus all losses of Plaintiff, the exact sum to be proven at the time of trial,  
 26 or, if elected before final judgment, statutory damages as available under  
 27 17 U.S.C. § 101, *et seq.*;



- b. A disgorgement of profits and other damages arising from such infringement, pursuant to 15 U.S.C. § 1117, and award all damages called for therein;
- c. An award of actual damages sustained by Plaintiff;
- d. That Plaintiff be awarded its attorneys' fees as available under 17 U.S.C. § 101, *et seq.*, 17 U.S.C. § 1202, and 15 U.S.C. § 1117;
- e. An injunction against continued infringement of Plaintiff's trade dress and trademark, pursuant to 15 U.S.C. § 1116, and the unfair competition provisions;
- f. An injunction against continued infringement of Plaintiff's trade dress and trademark, pursuant to Cal Bus & Prof Code § 14245;
- g. An order directing Defendants, and each of them, to file with the court and serve on Plaintiff a report setting forth an accounting and the manner and form in which Defendants, and each of them, have complied with the injunction, pursuant to 15 U.S.C. § 1116;
- h. That Plaintiff be awarded pre-judgment interest as allowed by law;
- i. That Plaintiff be awarded the costs of this action;
- j. That Plaintiff be awarded treble damages and/or punitive damages in an amount sufficient to deter and punish Defendants, and each of them,, on account of each Defendant's willful violation of Federal, California, and common law; and declaring this case to be an exceptional case within the meaning of 15 U.S.C. § 1117;
- k. That Plaintiff be awarded such further legal and equitable relief as the Court deems proper;
- l. That an imposition of a constructive trust be entered over all products and materials bearing, in whole or in part, any material from the Films or their marketing materials, to the extent said products and materials were

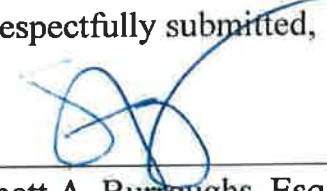
1 created, purchased, sold, advertised, or distributed in violation of  
2 Plaintiff's rights therein, as well as all registrations relating to Plaintiff's  
3 works filed by any of the Defendants and/or any third parties, and all  
4 profits, monies, royalties, and any other benefits derived or obtained by  
5 any of the Defendants from the wrongful ownership, use, purchase, sale,  
6 distribution, licensing, or exploitation of Plaintiff's works of art.

7  
8 A TRIAL BY JURY PURSUANT TO FED. R. CIV. P. 38 AND  
9 CONSTITUTIONAL AMENDMENT SEVEN IS HEREBY DEMANDED.

10 Respectfully submitted,

11  
12 Dated: October 24, 2012

By:

  
13 Scott A. Burroughs, Esq.  
14 DONIGER / BURROUGHS  
15 Attorneys for Plaintiff  
16 SUSAN NICHOLSON HOFHEINZ  
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Stephen M. Doniger, Esq. (SBN 179314)  
 Scott A. Burroughs, Esq. (SBN 235718)  
 DONIGER/BURROUGHS, APC  
 300 Corporate Pointe, Suite 355  
 Culver City, California 90230  
 Telephone: (310) 590-1820

**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA**

SUSAN NICHOLSON HOFHEINZ, an individual

CASE NUMBER

PLAINTIFF(S)

**CV12-09306** *MMMNAN x*

v.

CAFE PRESS, INC., a California Corporation; et. al.  
 [See Attached "Schedule A"]

**SUMMONS**

DEFENDANT(S).

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ \_\_\_\_\_ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Scott A. Burroughs, Esq., whose address is DONIGER / BURROUGHS APC 300 Corporate Pointe, Ste. 355 Culver City, CA 90230. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

OCT 30 2012

Dated: \_\_\_\_\_

Clerk, U.S. District Court

**JULIE PRADO**

By: \_\_\_\_\_

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**“SCHEDULE A”**

SUSAN NICHOLSON HOFHEINZ, an Individual,

Plaintiff,

v.

CAFÉ PRESS, INC., a California Corporation, individually and doing business as “WWW.CAFEPRESS.COM”; METAVERSE CORPORATION, a New Jersey Corporation; ZAZZLE, INC., a California Corporation, individually and doing business as “WWW.ZAZZLE.COM”; SPREADSHIRT, INC., a Pennsylvania Corporation, individually and doing business as “WWW.SPREADSHIRT.COM” and “WWW.ROBOTMONKEYPIRATE.COM”; AMES BROS, INC., a Washington Corporation, individually and doing business as “WWW.AMESBROS.COM”; AMAZON.COM, INC., a Washington Limited Liability Company; and DOES 1-10,

Defendants.



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) SUSAN NICHOLSON HOFHEINZ, an individual	<b>DEFENDANTS</b> CAFE PRESS, INC., a California Corporation; et. al
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  Stephen M. Doniger (SBN 179314)    300 Corporate Pointe, Suite 355 Scott A. Burroughs (SBN 235718)    Culver City, California 90230 DONIGER/BURROUGHS, APC        Tel: (310) 590-1820; Fax: (310) 417-3538	<b>Attorneys (If Known)</b>

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

**IV. ORIGIN** (Place an X in one box only.)

☒ 1 Original Proceeding   
 ☐ 2 Removed from State Court   
 ☐ 3 Remanded from Appellate Court   
 ☐ 4 Reinstated or Reopened   
 ☐ 5 Transferred from another district (specify): \_\_\_\_\_   
 ☐ 6 Multi-District Litigation   
 ☐ 7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT:** **JURY DEMAND:** ☒ Yes    ☐ No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION under F.R.C.P. 23:** ☐ Yes    ☒ No    **MONEY DEMANDED IN COMPLAINT:** \$ \_\_\_\_\_

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Copyright Act of 1976, Title 17 U.S.C., § 101 et seq. - Action for misappropriation of Plaintiff's artwork used in the film/television industry.

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <div style="background-color: #f0f0f0; text-align: center;"><b>REAL PROPERTY</b></div> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <div style="background-color: #f0f0f0; text-align: center;"><b>IMMIGRATION</b></div> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <div style="background-color: #f0f0f0; text-align: center;"><b>BANKRUPTCY</b></div> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <div style="background-color: #f0f0f0; text-align: center;"><b>CIVIL RIGHTS</b></div> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <div style="background-color: #f0f0f0; text-align: center;"><b>FORFEITURE / PENALTY</b></div> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <div style="background-color: #f0f0f0; text-align: center;"><b>PROPERTY RIGHTS</b></div> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <div style="background-color: #f0f0f0; text-align: center;"><b>SOCIAL SECURITY</b></div> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <div style="background-color: #f0f0f0; text-align: center;"><b>FEDERAL TAX SUITS</b></div> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

**FOR OFFICE USE ONLY:** Case Number: \_\_\_\_\_

CV12-09306

**AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.**

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes  
 If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes  
 If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Susan Nicholson Hofheinz- Los Angeles County	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
SEE ATTACHED "SCHEDULE A"	SEE ATTACHED "SCHEDULE A"

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note:** In land condemnation cases, use the location of the tract of land involved

**X. SIGNATURE OF ATTORNEY (OR PRO PER):**  **Date** 10/29/2012

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

**“SCHEDULE A”**

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
<p>CAFÉ PRESS, INC., a California Corporation, individually and doing business as WWW.CAFEPRESS.COM- Los Angeles County</p> <p>ZAZZLE, INC., a California Corporation, individually and doing business as “WWW.ZAZZLE.COM” – Los Angeles County</p>	<p>METAVVERSE CORPORATION- New Jersey</p> <p>SPREADSHIRT, INC., individually and doing business as “WWW.SPREADSHIRT.COM” and WWW.ROBOTMONKEYPIRATE.COM- Pennsylvania</p> <p>AMES BROS, INC., individually and doing business as WWW.AMESBROS.COM- Washington</p> <p>AMAZON.COM, INC., a Washington Limited Liability Company-Washington</p>

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Margaret M. Morrow and the assigned discovery Magistrate Judge is Margaret A. Nagle.

The case number on all documents filed with the Court should read as follows:

**CV12- 9306 MMM (MANx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.